

1 AN ACT
2 RELATING TO CRIME STOPPERS; CREATING THE CRIME STOPPERS
3 ADVISORY COUNCIL; PROVIDING FOR CONFIDENTIALITY OF RECORDS
4 AND IMMUNITY; IMPOSING PENALTIES.
5

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. SHORT TITLE. -- This act may be cited as the
8 "Crime Stoppers Act".

9 Section 2. ADVISORY COUNCIL-- COMPOSITION-- VACANCIES--
10 PAYMENT. --

11 A. The "crime stoppers advisory council" is
12 created. The council shall consist of five members from
13 local crime stoppers programs, four of whom shall be from
14 the four quadrants of the state and one from Albuquerque.
15 All members of the council shall be appointed by the
16 governor for two-year terms.

17 B. A vacancy on the council shall be filled by
18 gubernatorial appointment for the remainder of the unexpired
19 term. A vacancy on the council shall not impair the right
20 of the remaining members to exercise all the powers and
21 duties of the council.

22 C. Members of the council shall receive per diem
23 and mileage as provided in the Per Diem and Mileage Act and
24 shall receive no other compensation or allowance.

25 Section 3. POWERS AND DUTIES OF ADVISORY COUNCIL. --

1 A. The powers and duties of the crime stoppers
2 advisory council are to:

3 (1) advise and assist in the creation and
4 maintenance of local crime stoppers programs;

5 (2) certify local crime stoppers programs
6 for the purposes of confidentiality of records, privileges
7 and immunities set forth in the Crime Stoppers Act;

8 (3) encourage the media to promote the
9 functions of local crime stoppers programs; and

10 (4) facilitate training for local crime
11 stoppers programs.

12 B. The council shall not take part in the
13 receipt of reports or tips regarding criminal activity.

14 Section 4. CONFIDENTIALITY OF RECORDS. --

15 A. Evidence of a communication between a person
16 submitting a report to a local crime stoppers program and
17 the person accepting the report on behalf of the program is
18 not admissible in a court or an administrative proceeding,
19 except as provided in Subsection B of this section.

20 B. Records and reports of a local crime stoppers
21 program are confidential and shall not be produced before a
22 court or other tribunal, except on a motion by:

23 (1) a criminal defendant claiming that a
24 record or report contains specific evidence that is
25 exculpatory to the defendant on trial for that offense; or

1 (2) a person in civil court who has been
2 exonerated of a criminal charge that was filed as a result
3 of a report to a local crime stoppers program, and denial of
4 access to a record or report would leave the person without
5 the ability to offer prima facie proof that a legal injury
6 was suffered through the wrongful acts of another.

7 C. Upon motion made pursuant to Subsection B of
8 this section, a court may subpoena a record or report, but
9 shall conduct an in camera inspection of the materials
10 produced to determine whether there is evidence as alleged
11 to warrant disclosure pursuant to Subsection B of this
12 section. If the court finds such evidence, the court shall
13 determine how much of the evidence to disclose and whether
14 the identity of the person who submitted the report to the
15 local crime stoppers program must be disclosed.

16 D. The court shall protect the identity of a
17 person who submits a report to a local crime stoppers
18 program as it would protect the identity of a confidential
19 police informer.

20 E. A local crime stoppers program shall be
21 certified by the crime stoppers advisory council before it
22 can claim confidentiality under this section.

23 Section 5. CONFIDENTIALITY--PENALTY.--

24 A. It is unlawful for any member, officer or
25 employee of a local crime stoppers program to reveal to an

1 individual, other than the proper law enforcement agencies:

2 (1) information gained through the program
3 relating to criminal activity; or

4 (2) the contents of records and reports
5 that are confidential.

6 B. A person who violates Subsection A of this
7 section is guilty of a misdemeanor and shall be sentenced in
8 accordance with Section 31-19-1 NMSA 1978.

9 Section 6. IMMUNITY FROM LIABILITY. -- A person who in
10 good faith communicates a report of criminal activity to a
11 crime stoppers program or who in good faith receives,
12 forwards or acts upon such a report is immune from civil
13 liability for any act or omission resulting in the arrest,
14 filing of criminal charges or trial of a person who is later
15 exonerated or acquitted of a criminal charge.

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